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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Pendleton Division

NICHOLAS RINNE,)	Case No. 2:13-cv-00425
)	
Plaintiff,)	COMPLAINT FOR VIOLATION OF
)	FAIR DEBT COLLECTION PRACTICES
vs.)	ACT (15 U.S.C. § 1692 et seq) AND
)	OREGON UNLAWFUL DEBT
ENHANCED RECOVERY COMPANY LLC,)	COLLECTION PRACTICES ACT
a Delaware limited liability company,)	
)	DEMAND FOR JURY TRIAL
Defendant.)	

Plaintiff alleges:

PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff is a resident of Malheur County, Oregon.

2.

Defendant is a Delaware limited liability company with its principal place of business in Duval County, Florida, and is engaged in business in Oregon as a debt collector.

1 3.

2 This court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1367.

3 4.

4 This court has jurisdiction over Defendant pursuant to ORCP 4 A(4), as a business engaged in
5 substantial activities in Oregon, and pursuant to ORS 4 C, 4 D and 4 K, as this action arises out of an
6 injury in Oregon caused by an act directed into Oregon by Defendant prompting a response in
7 Oregon by Plaintiff, and at the time of which Defendant solicited business in Oregon.

8 5.

9 Venue lies in this district pursuant to 28 U.S.C. § 1392(b)(2).

10
11 FIRST CLAIM FOR RELIEF

12 Count One

13 (Violations of Fair Debt Collection Practices Act)

14 5.

15 Defendant is a debt collector.

16 6.

17 On December 14, 2012, Plaintiff received a telephone call on his residence's answering
18 machine that did not leave a message. Later that day, he telephoned the number left by Caller ID, and
19 was connected to an employee of Defendant identified as Torra Range. Ms. Range did not identify
20 herself until more than 60 seconds after attempting to confirm an incorrect mailing address for
21 Defendant. Ms. Range also obtained a correct address before properly identifying herself. She did
22 not state the purpose of the communication was for debt collection purposes until several minutes
23 after Plaintiff contacted Defendant.

24 7.

25 Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, in

1 the following particular:

2 (a) Use of deceptive means, *i.e.*, failure to timely disclose the name of the individual
3 caller and the purpose of its communication with Mr. Rinne as required by state law, to obtain
4 information and to attempt to obtain agreement to a payment plan, in violation of 15 U.S.C. §
5 1692e(10).

6 8.

7 Pursuant to 15 U.S.C. § 1692k, Plaintiff is entitled to statutory damages of \$1,000 and his
8 reasonable attorney fees.

9

10 Count Two

11 (Violation of Oregon Unlawful Debt Collection Practices Act)

12 9.

13 Plaintiff realleges paragraph 5 and 6.

14 10.

15 Defendant's conduct violated ORS 646.639(2)(i) by not informing Plaintiff of her identity or the
16 true purpose of the communication within 30 seconds of the initiation of the contact.

17 11.

18 Defendant knew or should have known, in light of its registration as a debt collector in Oregon
19 that its conduct was a violation of ORS 646.639(2)(i).

20 12.

21 As a result of Defendant's conduct, Plaintiff is entitled to statutory damages of \$200 and his
22 reasonable attorney fees pursuant to ORS 646.641.

23

24 WHEREFORE, Plaintiff prays for relief as follows:

25 1. Judgment for Plaintiff and against Defendant in the sum of \$1,200 statutory damages;

2. For his costs, disbursements, and reasonable attorney fees; and

3. Such other relief as is just and equitable.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

DATED this 12th day of March, 2013.

/s/ Daniel R. Reitman

Daniel R. Reitman, OSB #95393

Attorney for Plaintiff